

IN THE UNITED STATES DISTRICT COURT
for
THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
Docket Number 19 CR 28-002

UNITED STATES OF AMERICA,
Plaintiff,

vs.

RODNEY DEJUAN ALLISON)
Defendant)
-----)

OBJECTIONS TO
FINAL PRESENTENCE INVESTIGATION REPORT

COMES NOW Defendant RODNEY DEJUAN ALLISON to offer the following objections and corrections to the Final Presentence Investigation Report filed on March 3, 2020 by United States Probation Officer.

PART A. THE OFFENSE

Statement of Relevant Conduct

Page 15, Paragraph 54.

On February 13, 2018 in the Atlanta Airport, a bank bag, containing \$33,180 in cash was found in Latasha Allison's possession. bag in Mrs. Allison's possession. Georgia authorities seized the money, contending that it was "drug proceeds". The government repeats that contention in its Statement of Relevant Conduct. According to Mrs. Allison, all of that money has been returned to her.

Adjustment for Obstruction of Justice

Pages 25, Paragraphs 70, 88, 90 and 99.

The Defendant objects to an upward adjustment for obstruction of justice. No assertion made by Rodney Allison in the course of the civil forfeiture proceeding – which has been stayed – has obstructed his federal criminal prosecution. He has signed a plea agreement and endorsed a factual basis which supports his plea. Refusing to accept all of the government’s sentencing contentions is not obstruction of justice. Perhaps, some of the co-defendant, who have benefitted greatly from their cooperation with the government, are the obstructors of justice here. Allison continues to maintain that the money seized from 25 Ora Street was neither contraband nor funds derived from unlawful activity; that he is not part of a drug trafficking “organization”; that he was a not “a known drug trafficker operating in the Asheville area”; and that he resided at 29 Ora not 25 Ora Street. Some of these issues were addressed by Allison in an interview with law enforcement on April 10, 2019, the date of his arrest on these federal charges. In that interview, he acknowledged having crack cocaine in his pocket when a search warrant was served on 25 Ora Street on September 18, 2018. The civil forfeiture lawsuit (1:19CV51) remains pending.

Adjustment for Acceptance of Responsibility

Paragraphs 70, 91 and 102.

The defendant objects to the denial of a downward adjustment for acceptance of responsibility. He has signed a plea agreement and endorsed a factual basis which supports his plea. Accepting responsibility does not require that he agree with all of the stories that cooperating witnesses have told the government.

Respectfully submitted this 13th day of October, 2020.

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By: s/ Sean Devereux
Sean Devereux

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of the Court for the United States District Court for the Western District of North Carolina by using the CM/ECF system. I certify that the listed participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

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This 13th day of October, 2020.

s/ Sean Devereux

Sean Devereux